

No. 3293

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DEPARTMENT OF RECREATION AND SPORTS Approved: Héctor Luis Acevedo

REGULATION GOVERNING THE PROCEDURES OF  
THE SPORTS ARBITRATION COMMITTEE

Secretary of State

By: *Ramón Quiñones*  
Assistant Secretary of State

PURPOSE

The purpose of the present Regulation is to comply with the dispositions of Law 126 in its article ( 3 L.P.R.A. Section 442 K a) in carrying out the public responsibilities conferred to the Department of Recreation and Sports with regard to Amateur Sports.

Uniform procedures are established and a public policy is implemented to resolve controversies with regard to amateur sports.

ARTICLE I- TITLE

This Regulation shall be officially known as the "Regulation Governing the Procedures of the Sports Arbitration Committee".

ARTICLE II- LEGAL BASIS

This Regulation is adopted under the dispositions of paragraph three of Article 12 of Law Number 126, approved on June 13, 1980 ( 3 L.P.R.A. Section 442 K a), Organic Law of the Department of Recreation and Sports.

ARTICLE III- APPLICABILITY

AND JURISDICTION

The Committee shall have the authority to have jurisdiction of and resolve, without it being considered a limitation, controversies related, among others, with the qualification, participation, application of rules, sanctions and rights of the athletes with regard to the organized sport to which they belong, excluding olympic sports and their sportsmen, and from this with such athletes, for the purpose of settling said controversies, for the benefit and interest of the sport, and in harmony with the elementary principles of justice and equity. This grants any party affected by a decision of those contemplated in this Regulation the right to request a review by the Committee herein created.

ARTICLE IV- DEFINITIONS

The following terms shall have the meaning mentioned below:

1. Department- Department of Recreation and Sports
2. Secretary- Secretary of the Department of Recreation and Sports.
3. Committee- Sports Arbitration Committee which is created through this Regulation.
4. Member or Arbitrator- Member of the Arbitration Committee.
5. Findings- Decision or judgement rendered by the Sports Arbitration Committee in a controversy submitted for arbitration.

ARTICLE V- COMPOSITION AND DESIGNATION

OF THE ARBITRATION COMMITTEE

SECTION 1- PERMANENT MEMBERS

The Arbitration Committee which by virtue of the Law and this Regulation which is being established shall be composed of three (3) persons with recognized knowledge in these areas of sport, its organization and its rules, designated by the Secretary. For said designation, the Secretary may consult with the sports leaders of Puerto Rico.

SECTION 2- ALTERNATE MEMBERS

The Secretary shall designate three (3) alternate members, who shall be available to substitute for the permanent members of the Committee in its procedures, in the following situations:

1. Sudden death, illness or inevitable absence of any of the members.
2. When any permanent member is acting or is required to act as a witness for any of the parties presented for arbitration.
3. When there is any family relation not included in Article IX, Subsection (b) between a permanent member and any of the parties.

4. When for any reason a permanent member is justly challenged, disqualifies himself, refuses or cannot act in the case.

ARTICLE VI- TERM OF OFFICE

The Members of this Committee, including the alternates, shall hold office for a term of two (2) years each, and until their successors are appointed and take possession of same; said appointments may be extended for an additional term of two (2) years.

ARTICLE VII- APPOINTMENT OF CHAIRMAN

AND DIRECTION OF PROCEDURES

The Secretary shall designate the Chairman of the Committee and the latter shall occupy the post while functioning as a member of said Committee. The Chairman shall direct all the meetings, hearings and all the Committee work. Should he not be able to be present during any procedure, he shall designate any of the other two permanent members to direct the work.

ARTICLE VIII- QUORUM

The Committee shall be constituted by the presence of its three (3) members. Should a permanent member have to abandon an arbitration proceeding for any of the reasons enumerated in Article V or IX of this Regulation, the Secretary, or in his stead, the Chairman designated to direct the proceedings, shall designate an alternate member in substitution, who may participate in the adjudication of the final decision, once he has become familiarized with the evidence presented in the controversy.

ARTICLE IX- CHALLENGE AND DISQUALIFICATION

OF ARBITRATORS

On his own initiative, or on challenge by a party, an Arbitrator, whether an alternate or a permanent member, must disqualify himself from participating in the elucidation of a controversy or a procedure in any of the following cases:

- a) Due to interest in the result or being prejudiced or partial in favor of any of the parties or their attorneys.

- b) Due to an existing blood relationship or affinity with any of the parties or his attorney within the fourth level of blood relationships or the second of affinity.
- c) Due to his having been an attorney or couns-lor for any of the parties or their attorneys in the action.
- d) Due to an existing friendship of such nature between the Arbitrator and any of the parties or their attorneys which may frustrate the purposes of justice.
- e) For any other reason which may reasonably cast doubt on his impartiality to adjudicate, or which may tend to diminish the public trust in this Committee.

Any challenge must be sworn and must present the facts on which it is based. Said challenge must be presented as soon as the petitioner arrives at the realization of the cause of the challenge.

ARTICLE X- DUTIES AND AUTHORITIES  
OF THE ARBITRATORS

The Committee shall have the authority to examine, by means of the holding of administrative hearings or examination of any other type of evidence, the controversies submitted for arbitration. It shall also have the authority to issue findings on said controversies, which shall be obligatory for the parties, unless the latter are able to invoke one of the reasons for the revocation of a finding contained in Article XVIII.

The Committee may act on the basis of oral or written reports from the parties and when necessary, in order to reach a just and equitable decision. It may use as a witness any person who in the Committee's judgement may have knowledge about the facts in controversy or who may serve as an expert in the proceedings.

If a summons or order issued by the Committee does not receive due compliance, the Secretary may appear before the

Superior Court of Puerto Rico and request an order for the compliance of the summons. The Court shall designate the course and dispatch of said request and may emit orders making obligatory the appearance of witnesses or the presentation of the facts of information previously required by the Secretary. The Superior Court shall have the authority to penalize through contempt the disobedience of those orders. (Article XVI of Law Number 126).

No person may refuse to comply with a Committee summons or produce evidence required of him or refuse to answer any question regarding any study or investigation, because the evidence which is required may incriminate him or expose him to criminal prosecution or to cause him destitution or suspension from his employ, profession or occupation, but the testimony or evidence produced by said person on requirement of the Secretary or by virtue of court order, may not be utilized or presented as proof against him in any criminal prosecution, or in any civil or administrative prosecution which may result in his destitution or suspension from his employment, profession or occupation.

All information obtained as a result of the investigations made by the Committee shall be of public nature, except that which incriminates the deponent or in which any other form is inadmissible evidence under the Law of Evidence. Privacy shall be upheld of all information which the parties involved in a controversy wish to maintain private. In the airing of the controversy the Committee may make use of tape-recordings and the members who have not had contact with the oral evidence presented in the administrative hearings, if held, may familiarize themselves with said evidence through said recordings.

The Committee shall formulate a report on each controversy submitted for arbitration, which shall contain the following elements:

- a) Summary of the complaint
- b) Summary of the evidence presented

c) Conclusions of fact

d) Findings issued

The report shall contain the results, in numerical terms, of the Committee vote and shall be certified and signed by the participating Members.

#### ARTICLE XI- PROCEDURE FOR SUBMITTING

##### CONTROVERSIES TO ARBITRATION

###### SECTION 1- FORM

Any person interested in submitting a controversy for arbitration under the dispositions of this Regulation shall file a writ before the Office of the Secretary, with copy to the Arbitration Committee, specifying the facts and other details which are pertinent, in accordance with the form provided for same and which is made part of this Regulation.

###### SECTION 2- PAYMENT OF CHARGES

The parties must accompany their application with the corresponding payment of twenty-five (\$25.00) dollars in the name of the Secretary of the Treasury to be paid by the initiator.

###### SECTION 3- PROCESS OF NOTIFICATION

The Committee shall provide a copy to the other parties, either personally or by certified mail, notifying same of the controversy. Said procedure shall form part of the file.

###### SECTION 4- TERM FOR RESPONDING TO THE NOTIFICATION

The party or parties so notified shall have ten (10) days from the date of receipt of the notification to file their answer or responsive allegation to the writ under which arbitration is requested.

Should no response be received in the office of the Secretary within a term of ten (10) days, it shall be understood that the complaint is accepted, but the Secretary may at his discretion accept the answer of said parties following the term herein established, if the tardiness does not hinder the substantial rights of the party requesting the arbitration.

ARTICLE XII-ADMISSIBILITY AND SUFFICIENCY

OF THE EVIDENCE AND METHOD OF PROCEDURE

SECTION 1- ADMISSIBILITY

The parties may offer the evidence which they choose and shall present any additional proof which the Arbitrators deem necessary to attend and determine the issues which are the object of the controversy.

SECTION 2- PERTINENCE

The Arbitrators shall decide the pertinence of the proof offered by the parties and the acceptance of same, without having to limit themselves to the rules of evidence. Neither shall it be obligatory for the members of the Committee to adhere to the rules of civil procedure for the conduct of the procedures.

SECTION 3- GUARANTEE OF PROCEDURAL REQUIREMENTS

In the development of procedures before the Committee the minimal procedural requirements of due process of Law shall be guaranteed.

ARTICLE XIII- RIGHTS OF THE PARTIES

The parties involved in a controversy submitted to arbitration shall have the right to the assistance of an attorney during the procedure but in the case of being indigent the Committee shall not be obligated to offer legal assistance. The party shall also have the right to interrogate and cross-examine witnesses and to present all oral and documentary evidence which they deem favorable to their contention. The parties are guaranteed all other rights which are recognized in procedures of this nature.

ARTICLE XIV-RECORDINGS AND TRANSCRIPTIONS

The proceedings shall be tape recorded or taken by a stenographer, and the parties shall be allowed to utilize their own recording equipment. The statements in the hearings shall not necessarily have to be transcribed, except on requirement of the interested party, in which case the party requesting the transcription shall satisfy its cost. If the

Committee considers that the transcription requested shall unreasonably interrupt the development of the proceedings, it may deny same.

ARTICLE XV- TERM AND MANNER OF DECISION

SECTION 1- TERM

The term for the issuance of the decision shall be that which reasonably embraces the controversy submitted.

SECTION 2- MANNER

The manner of the decision shall be comprised of conclusions of fact and Determinations of Law according to the Law, Regulation, Rule, Order or Public Policy involved, taking into consideration justice and equity on issuance of same, without prejudice to the public welfare and according to the rule established in Article X.

The decision shall be issued in writing and shall be signed by the Arbitrators, who shall deliver a copy of same to each one of the parties or to their attorneys and to the Secretary.

ARTICLE XVI- OBLIGATORY NATURE

Following compliance with the terms of a decision issued by the Committee, same shall be considered binding save for the fundamentals existing in Law for the revocation of the decision.

It being set forth, nevertheless, that the parties, after having exhausted the Reconsideration of Article XVII before the Arbitration Committee, duly documented, may come before the Secretary in request for Revocation of the Decision as set forth in Article XVIII or Reconsideration as set forth in Article XX.

ARTICLE XVII- RECONSIDERATION OF THE DECISION ISSUED

Any party affected by the issuance of a decision may, within a term of ten (10) days from the date of notification, request a Reconsideration of the Committee, after which, if a decision has not been issued, same shall be declared dismissed. All request for reconsideration must be based on the Committee's error in weighing the proof or in errors



of Law and that for such reason said decision is against the principles of justice and equity. The Reconsideration process under this Article shall be mandatory for any subsequent process under Articles XVIII and XX.

ARTICLE XVIII- REQUEST FOR REVOCATION OF DECISION

After having exhausted all reconsideration procedures set forth in Article XVII, the parties not in agreement with the decision of the Arbitrators may request of the Secretary the revocation of th- decision within the following five (5) working days notifying the other parties and the Committee but only in its judgement under one of the following circumstances:

1. That the decision has been obtained through corruption, fraud or other improper method.
2. That there exists partiality or prejudice of any of the Arbitrators.
3. That the Arbitrators act erroneously on refusing to hear evidence pertinent and material to the controversy or when they incur in any error hindering the rights of any of the parties.

ARTICLE XIX- COMPENSATION

The Department shall pay per diem expenses to the Arbitrators whenever same are not employees of the Commonwealth.

ARTICLE XX- RECONSIDERATION

Any party adversely affected by a decision of the Arbitration Committee may, in tenor with the dispositions of Law 126, request within a period of ten (10) days following the date of notification of decision, the reconsideration of the Secretary. The latter shall have thirty (30) days to decide with regard to the reconsideration requested, after which time, if he has not issued his decision, the reconsideration requested shall be considered dismissed.

It being set forth that said reconsideration must be accompanied by the corresponding payment of ten (\$10.00) dollars in the name of the Secretary of the Treasury.

ARTICLE XXI- JUDICIAL REVIEW

SECTION 1

Any party adversely affected by a decision on reconsideration by the Secretary may request judicial review of said decision in the Superior Court Section corresponding to the residence of the aggrieved by means of recourse issued by the Court at its discretion. The request for review shall be filed before the Superior Court within fifteen (15) days following the date of notification of the mentioned decision, or of the effectivity of the term of thirty (30) days set forth in Article 17 of Law 126.

SECTION 2

The decision of the Secretary shall remain in force and effect until there is a final and binding decision from the Superior Court of Puerto Rico revoking the decision of the Secretary.

SECTION 3

The review recourse shall be formalized presenting a request in the Court Secretary's Office in which shall be presented the foundations on which the request for review is based. Once this recourse is filed, the petitioner must notify same to the Secretary within a term of five (5) days following the filing.

SECTION 4

The request for reconsideration made in the Superior Court shall not suspend the effects of the regulation, order or resolution of the Secretary.

ARTICLE XXII- OTHER AUTHORITIES OF THE SECRETARY

The Secretary shall have the authority to issue the following sanctions and orders.

SECTION 1

He may issue orders to cease and desist in any action or activity following notification, revoke, cancel or suspend any authorization granted under the dispositions of Law 126 and to prescribe the terms and corrective conditions

which he deems necessary in order to fulfill the purposes of said Law.

SECTION 2

The Secretary may appeal to the Superior Court of Puerto Rico in a request that any order that he may issue in accordance with the recommendations of the Committee or according to his decision in Reconsideration be placed in effect. Non-compliance with a judicial order declaring such a request in effect shall constitute contempt of Court.

ARTICLE XXIII- PENALTIES

The Secretary shall have the authority to impose fines up to a maximum of one thousand (\$1,000.00) dollars for a violation of the dispositions of this regulation or of Orders issued by authority of same. (Article XX of Law 126.)

ARTICLE XXIV- INCLUSIVE ORDER

By the present Article, any Regulation involving amateur sports issued by the Department or by any other Federation or independent entity shall form part of this Regulation, without prejudice of those internal arbitration mechanisms which the latter may direct, and any other Regulation, Administrative Order or Resolution of Public Policy which the Secretary may issue.

ARTICLE XXV- RESCISSION

Any norm, rule or regulation conflicting with the present Regulation are hereby rescinded.

ARTICLE XXVI- SEPARABILITY CLAUSE

Should any word, clause, article or part of this Regulation be declared unconstitutional or null by a Court, said statement shall not affect, diminish or invalidate the remaining dispositions and parts of this Regulation, but rather its effect shall be limited to the word, clause, sentence, article or specific part declared unconstitutional or null and the nullification or invalidation of any word, clause, sentence, article or part of any case shall not be understood as affecting or damaging in any sense its application or validity in any other case.

ARTICLE XXVII- TERM OF CONTRACT

This Regulation shall become effective thirty (30) days following the filing of same in the Department of State.

  
  
LEONARDO GONZALEZ RIVERA  
SECRETARY

ATTACHMENT A

COMMONWEALTH OF PUERTO RICO  
DEPARTMENT OF RECREATION AND SPORTS

APPLICATION FOR SUBMISSION OF CONTROVERSIES  
(ORIGINAL)

CONTROVERSY NUMBER: \_\_\_\_\_

DATE: \_\_\_\_\_

OPPOSING PARTY: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

POSITION HELD: \_\_\_\_\_

PETITIONER: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

HOME TELEPHONE: \_\_\_\_\_

WORK TELEPHONE: \_\_\_\_\_

DATE OF EVENTS: \_\_\_\_\_

RE: \_\_\_\_\_

DATE WHEN CLAIM WAS MADE TO OPPOSING PARTY OR SAME WAS SUBMITTED TO  
INTERNAL ARBITRATION: \_\_\_\_\_

FEE PAID TWENTY DOLLARS (\$20.00) \_\_\_\_\_ YES \_\_\_\_\_ NO

CAUSE OR NATURE OF THE CONTROVERSY:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PRIOR INTERVENING ORGANISM:

- \_\_\_\_\_ INTERNAL ARBITRATION COMMITTEE
- \_\_\_\_\_ BOARD OF DIRECTORS
- \_\_\_\_\_ NONE
- \_\_\_\_\_ OTHER

ORGANISM OR ENTITY AGAINST WHICH CLAIM IS MADE:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_



ATTACHMENT B

RECEIPT OF REGULATION

I HEREBY CERTIFY THAT TODAY \_\_\_\_\_,  
I HAVE RECEIVED A COPY OF THE REGULATION OF THE ARBITRATION  
COMMITTEE AND AM IN AGREEMENT WITH ALL ITS CLAUSES AND CONDITIONS  
AND HEREBY DO ACCEPT SAME.

\_\_\_\_\_  
PETITIONER

PARA USO GENERAL  
LIBRE DE DECRETOS

COMMONWEALTH OF PUERTO RICO  
DEPARTMENT OF RECREATION AND SPORTS

REQUEST FOR RECONSIDERATION

CONTROVERSY NUMBER: \_\_\_\_\_

DATE: \_\_\_\_\_

OPPOSING PARTY: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

POSITION HELD: \_\_\_\_\_

PETITIONER: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

HOME TELEPHONE: \_\_\_\_\_

WORK TELEPHONE: \_\_\_\_\_

DATE OF EVENTS: \_\_\_\_\_

RE: \_\_\_\_\_

DECISION ISSUED: \_\_\_\_\_

ALLEGATIONS OF FACT: \_\_\_\_\_

ERRORS OF LAW: \_\_\_\_\_

REMEDIAL ACTION REQUESTED: \_\_\_\_\_

FEE PAID TEN DOLLARS (\$10.00) TO BE PAID BY PETITIONER

\_\_\_\_\_ YES

\_\_\_\_\_ NO

\_\_\_\_\_  
SIGNATURE OF PETITIONER

PARA USO OFICIAL  
LIBRE DE DERECHOS